

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America

v.

MARC WILLIAM MCARTHUR

Case: 2:22-mj-30058
Case No. Assigned To : Unassigned
Assign. Date : 2/7/2022
Description: CMP USA v. SEALED
MATTER (SO)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 20, 2021 in the county of Macomb in the
Eastern District of Michigan, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 922(g)(1)	Felon in Possession of a Firearm

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet.

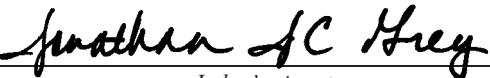
Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: February 7, 2022

City and state: Detroit, Michigan


Complainant's signature

Special Agent Matthew Kuiack, FBI
Printed name and title


Judge's signature

Hon. Jonathan J.C. Grey, U.S. Magistrate Judge
Printed name and title

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA

v.

MARC WILLIAM MCARTHUR,

Defendant.

Case No.

UNDER SEAL

**AFFIDAVIT IN SUPPORT OF APPLICATION FOR
CRIMINAL COMPLAINT AND ARREST WARRANT**

I, Matthew Kuiack, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am employed as a Special Agent with the Federal Bureau of Investigation (FBI) and have been so employed since July 2019. I am currently assigned to the FBI Detroit Field Office and the Violent Gang Task Force (VGTF), and my current duties include investigating gangs, firearms trafficking, and narcotics trafficking. Prior to my present assignment, I was a Sheriff's Deputy with the Mitchell County Sheriff's Office, Mitchell County, Kansas. During my time as a law enforcement officer and Special Agent, I have participated in investigations involving firearms, as well as numerous investigations that resulted in the execution of search and arrest warrants.

2. I submit this affidavit in support of a criminal complaint charging that, on or about Tuesday, July 20, 2021, within the Eastern District of Michigan, the defendant, Marc William MCARTHUR (D.O.B.: XX/XX/1970), knowing he had been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess, in and affecting commerce, a firearm, in violation of Title 18, United States Code, Section 922(g)(1).

3. I make this affidavit from personal knowledge as well as information provided by other law enforcement officials and/or their reports and records. This affidavit is intended to show merely that there is sufficient probable cause for the requested complaint and arrest warrant and does not set forth all details or facts that exist pertaining to the investigation.

PROBABLE CAUSE

4. On or about July 20, 2021, at approximately 8:28 p.m., two Clinton Township Police Department (CTPD) Officers were driving in a marked patrol car in Clinton Township, Michigan in the vicinity of Gratiot Avenue and Metro Parkway, when they observed a silver Ford Focus, bearing Michigan license plate EHN8711, traveling north bound on Gratiot Avenue. A LEIN/SOS check of the license plate revealed that the vehicle was not properly insured. As a result of the infraction, the Officers initiated a traffic stop of the car.

5. The Ford Focus came to a stop in the parking lot of T-Mobile at 37310 Gratiot Avenue, Clinton Township, Michigan, which is within the Eastern District of Michigan.

6. As the Ford Focus was pulling into the T-Mobile parking lot, CTPD Officer Joshua Sandubrae observed the driver make furtive gestures towards the center console/ front passenger area. Officer Sandubrae approached the vehicle from the passenger's side of the vehicle and observed the driver pull his hand back from the passenger's side of the vehicle. CTPD Officer Tyler Eng approached the driver's side of the vehicle and contacted the driver, who was subsequently identified as MCARTHUR.

7. Officer Eng requested MCARTHUR's insurance paperwork for the vehicle. MCARTHUR stated the vehicle belong to a Mixtecas Motorcycle Club brother, but he may have a picture of the insurance card on his phone. As MCARTHUR was looking through his pictures for a copy of the insurance paperwork, Officer Eng observed a picture of a black handgun. Due to the totality of the circumstances, MCARTHUR was asked to exit the vehicle.

8. After MCARTHUR exited the vehicle, he gave consent to a search of his pockets. Officer Eng discovered a syringe filled with clear liquid inside MCARTHUR's right pants pockets. MCARTHUR told the Officers the substance

was liquid cocaine. Additionally, inside the right pants pocket were alcohol swabs and an empty zip-loc bag containing white, powdery residue.

9. MCARTHUR told Officers there was nothing illegal inside the vehicle and provided consent to search the vehicle. Located on the front passenger side floorboard was a green Crown Royal bag near the gear shifter area. Inside the bag was a silver automatic switchblade, a small black digital scale containing white, powdery residue, a set of keys, and a glass bottle with an eye-dropper style lid. The glass bottle was labelled 'poison' and was approximately a quarter full of a clear liquid. The set of keys had a key chain labelled 'MIXTECAS NATION'. The design of the key chain was similar to the design of the shirt MCARTHUR was wearing at the time.

10. Located on the passenger's seat of the vehicle was a grocery bag containing a few food items and a black Smith & Wesson 9mm Shield handgun bearing serial number HTK8349. The handgun was loaded with one round in the chamber and seven rounds in the magazine.

11. A LEIN/SOS search of the firearm revealed the handgun has been reported stolen out of Detroit on November 18, 2020.

12. MCARTHUR was placed under arrest for numerous offenses, including possession of a stolen firearm, carrying concealed firearm and possessing cocaine. He was then transported to CTPD for processing. A secondary search of

MCARTHUR at CTPD revealed a small glass vial in MCARTHUR's left pants pocket that contained white powdery substance. Additionally, approximately two hundred and two dollars of US currency were located inside MCARTHUR's wallet.

13. At CTPD the glass vial from MCARTHUR's left pants pockets was emptied, weighed, and field tested. The substance weight without packaging was approximately 0.1 grams. The substance was field tested using a Sirchie Nark Cocaine ID Swipe, which immediately turned blue, indicating a positive result for the presence of cocaine. The digital scale containing white, powdery reside was also field tested using a Sirchie Nark Cocaine ID Swipe, which immediately turned blue, indicating a positive result for the presence of cocaine.

14. The clear liquid from the syringe located in MCARTHUR's right pants pockets was field tested using a Nark II Cocaine Test kit, which indicated a negative result for the presence of cocaine. The substance was then tested using a Nark II Methamphetamine test kit, which indicated a positive result for Methamphetamine.

15. Officer Eng interviewed MCARTHUR after providing MCARTHUR with Miranda Warnings read from a department issued card. MCARTHUR denied consent to look through is cell phone because the phone had 'incriminating' evidence on it. The phone was placed into airplane mode by MCARTHUR and

then secured on a charger in the Evidence Tech Room under property tag number 034199, pending further analysis.

16. A query of the computerized criminal history (CCH) for MCARTHUR revealed the following felony convictions:

- In or around 1991, MCARTHUR was convicted in the 6th Circuit Court, Oakland County, Michigan, of one count of Felony Assault with Intent to do Great Bodily Harm.
- In or around 1992, MCARTHUR was convicted in the 6th Circuit Court, Oakland County, Michigan, of one count of Felony Carrying Concealed Weapon.
- In or around 2000, MCARTHUR was convicted in the 6th Circuit Court, Oakland County, Michigan, of one count of Felony Carrying Concealed Weapon (Habitual 2nd Offense).
- In or around 2000, MCARTHUR was convicted in the 6th Circuit Court, Oakland County, Michigan, of one count of Felony Armed Robbery, Felony Firearm, and Felony Carrying Concealed Weapon.

17. On or about October 7, 2021, ATF Special Agent and Interstate Nexus Expert Michael Jacobs reviewed the history of the Smith & Wesson Shield, 9mm, bearing serial number HTK8349, and made a preliminary determination that the

firearm was most likely manufactured outside the state of Michigan, and therefore this firearm has traveled in interstate commerce from its point of manufacture to Michigan.

CONCLUSION

12. Based on the foregoing, I respectfully submit there is probable cause to believe that, on or about July 20, 2021, within the Eastern District of Michigan, Marc William MCARTHUR, knowing that he had been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess a firearm, said firearm having been shipped and transported in interstate commerce, in violation of Title 18, United States Code, Section 922(g)(1).

Respectfully submitted,

By:



Matthew Kuiack
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before and/or by reliable electronic means this 7th day of February, 2022.



HON. JONATHAN J.C. GREY
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF MICHIGAN